

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

DANA ALBRECHT,)	
)	
Plaintiff)	
v.)	Civil No. 1:25-cv-00093-SM-AJ
)	
HON. JOHN PENDLETON, <i>et al.</i> ,)	
)	
Defendants.)	

PLAINTIFF'S NOTICE OF SUPPLEMENTAL AUTHORITIES

Plaintiff respectfully submits this Notice of Supplemental Authorities in support of the claims alleged in Count X of the Complaint ([ECF. No. 1](#)), which concerns a violation of the Fourteenth Amendment Due Process Clause arising from an unconstitutional risk of judicial bias.

The April 7, 2025 *Motion to Recuse Chief Justice Gordon MacDonald*, filed in *State v. Berard*, No. 2025-0129 (N.H. Sup. Ct.), was not available to Plaintiff at the time the Complaint was filed on March 5, 2025. That motion, and the exhibits filed with it, present newly developed facts relevant to the Fourteenth Amendment claim. The included criminal indictments against Justice Anna Barbara Hantz Marconi were previously available but are offered here to further establish the depth and gravity of the alleged judicial conflicts that form the basis of Plaintiff's due process allegations in Count X.

These materials further support Plaintiff's contention that the conduct of multiple judicial officers in the New Hampshire state courts poses a constitutionally impermissible risk of bias, in violation of Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009), and Rippo v. Baker, 580 U.S. 285 (2017).

Specifically, Plaintiff attaches the following documents:

1. **Motion to Recuse Chief Justice Gordon MacDonald**, *State v. Berard*, No. 2025-0129 (N.H. Sup. Ct.), filed April 7, 2025.

This motion outlines, with supporting citations and sworn documentation, a pattern of conflict and contradictory statements involving Chief Justice MacDonald and Justice Anna Barbara Hantz Marconi. It raises substantial due process concerns about the risk of judicial bias, particularly in proceedings involving Attorney Erin Creegan, who serves both as MacDonald's personal counsel and as an advocate in state proceedings against Plaintiff and others.

2. **Exhibit A to April 7, 2025 Motion** – Interview Transcript of Chief Justice Gordon MacDonald (Aug. 2, 2024).

In this sworn interview with the New Hampshire Attorney General's Office, Chief Justice MacDonald denies prior knowledge of Justice Marconi's controversial meeting with Governor Sununu—a statement that directly conflicts with Justice Marconi's own sworn motion and affidavit. This contradiction is central to Plaintiff's allegations under Count X.

3. **Exhibit B to April 7, 2025 Motion** – Verified Motion to Recuse Chief Justice Gordon MacDonald, *In re Hantz Marconi*, No. LD-2024-0014 (N.H. Sup. Ct., filed Oct. 23, 2024).

Filed by Justice Marconi, this verified motion asserts that she spoke with Chief Justice MacDonald in advance of the June 6, 2024 meeting with Governor Sununu and received his express approval. The conflicting sworn statements between Exhibits A and B underscore the credibility concerns at the heart of Count X.

4. Indictment 1 – Attempt to Commit Improper Influence (Class B Felony),

State v. Marconi, No. 217-2024-CR-01167 (N.H. Super. Ct.)

Statutes: N.H. Rev. Stat. §§ 629:1, I; 640:3, I(b)

Alleges Marconi attempted to influence Governor Sununu by portraying an investigation into her husband as politically motivated and urging expedited closure of the matter.

5. Indictment 2 – Criminal Solicitation of Improper Influence (Class B Felony),

State v. Marconi, id.

Statutes: N.H. Rev. Stat. §§ 629:2, I; 640:3, I(b)

Alleges Marconi solicited Governor Sununu to improperly influence officials at the N.H. Department of Justice

6. Indictment 3 – Official Oppression (Class A Misdemeanor),

State v. Marconi, id.

Statute: N.H. Rev. Stat. § 643:1

Alleges Marconi used her office to interfere with an investigation and violated judicial conduct rules

7. Indictment 4 – Criminal Solicitation of Official Oppression (Class A Misdemeanor),

State v. Marconi, id.

Statutes: N.H. Rev. Stat. §§ 629:2, I; 643:1

Alleges Marconi solicited Governor Sununu to misuse his position to obstruct the investigation.

8. Indictment 5 – Obstructing Government Administration (Class A Misdemeanor),

State v. Marconi, id.

Statute: N.H. Rev. Stat. § 642:1, I

Alleges Marconi engaged in conduct from April 19 to June 6, 2024 to hinder an official investigation

9. Indictment 6 – Criminal Solicitation of Misuse of Position (Class A Misdemeanor),

State v. Marconi, id.

Statutes: N.H. Rev. Stat. §§ 629:2, I; 21-G:23, I

Alleges Marconi solicited Pease Development Authority Chair Steve Duprey for a benefit concerning her husband's employment and investigation

10. Indictment 7 – Criminal Solicitation of Misuse of Position (Class A Misdemeanor),

State v. Marconi, id.

Statutes: N.H. Rev. Stat. §§ 629:2, I; 21-G:23, I

Alleges Marconi solicited Governor Sununu to improperly secure governmental advantages for herself

These seven indictments—comprising two felonies and five misdemeanors—underscore the extraordinary nature of the judicial misconduct at issue and the continuing risk of systemic bias. The documents have been redacted by Plaintiff to comply with public filing rules; unredacted versions are publicly available via the New Hampshire Judicial Branch’s online portal:

- <https://www.courts.nh.gov/media/requested-cases/criminal/state-nh-v-anna-barbara-hantz-marconi>

At this time, the New Hampshire Supreme Court has not yet ruled on the April 7, 2025 Motion to Recuse Chief Justice MacDonald. Plaintiff reserves the right to supplement the record or seek leave to amend as new information becomes available.

Plaintiff submits these authorities solely for the Court’s information and does not offer additional briefing or argument at this time. Plaintiff reserves the right to seek leave to amend the Complaint or to request other relief as permitted under the Federal Rules of Civil Procedure.

Respectfully submitted,



DANA ALBRECHT

Pro Se

131 Daniel Webster Hwy #235

Nashua, NH 03060

(603) 809-1097

dana.albrecht@hushmail.com

May 5, 2025.

CERTIFICATE OF SERVICE

I, Dana Albrecht, hereby certify that a copy of this Notice shall be served on all parties and/or counsel of record registered through the ECF system.

A handwritten signature in black ink, appearing to read "Dana M. Albrecht", written over a horizontal line.

DANA ALBRECHT

May 5, 2025